

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John Steinmann,

FINAL DECISION

Complainant

Docket #FIC83-77

against

January 9, 1984

Town of Middlebury,

Respondent

The above captioned matter was heard as a contested case on September 13, 1983, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on June 1, 1983 the complainant alleged that he had been charged \$1.00 for a plain copy of a single page document, in violation of §1-15, G.S. The complainant also alleged that a document requested on May 16, 1983 had not been provided until May 23, 1983.

3. On April 29, 1982 the respondent changed its policy of charging \$1.00 for each plain copy of its records.

4. Although not stated in th complainant's complaint, the charge of \$1.00 was alleged at hearing to have been imposed by the police department of the respondent. The police department is not a respondent in this matter.

5. At hearing the respondent represented that if, through error, the complainant had been charged \$1.00 for a plain copy by the police department, the respondent would remit the amount in excess of the statutorily allowed fee of \$.25.

6. It is found that the record requested on May 16, 1983 was provided promptly upon request within the meaning of §§1-15 and 1-19(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The complaint is hereby dismissed.

2. The Commission notes that the complainant's complaint and supporting documents were virtually indecipherable, and that testimony at hearing indicated that the complainant, who has engaged in a pattern of visiting various agencies of the respondent on an average of from several times per week to once per day, has consistently received cooperation from the respondent. The complainant should, under such circumstances, be aware of the amendment to §1-211(b), G.S., effective October 1, 1983, which provides that if this Commission finds that an appeal has been taken frivolously, without reasonable grounds and solely for the purpose of harassing the agency against which the appeal has been taken it may impose a civil penalty against such person of from \$20 to \$1,000.

Approved by order of the Freedom of Information Commission at its regular meeting of December 28, 1983.



Mary Jo Jolicœur
Clerk of the Commission